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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,992	11/14/2003	Masatoyo Sogabe	392.1838	7359
21171	7590	10/05/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PHAM, LEDA T	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/706,992

**Applicant(s)**

SOGABE ET AL.

**Examiner**

Leda T. Pham

**Art Unit**

2834

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-7 is/are rejected.  
7) Claim(s) 4 and 5 is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 14 January 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/04,5/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this claim, “each” on line 2 is unclear because the term does not clearly recite each of what. Which teeth (the main teeth or the auxiliary teeth) are formed in a slot between adjacent ones of the main teeth? In light of specification, it is understood that each of auxiliary teeth formed in a slot between adjacent ones of the main teeth.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 6 – 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fulton (U.S. Patent No. 5,654,601).

Referring to claim 1, Fulton teaches an electric motor (figure 4) comprising: a stator core (10) having main teeth (12, having winding) and auxiliary teeth (12, in between two winding teeth 12) each formed in a slot between adjacent ones of the main teeth, and coils (16) respectively formed around said main teeth with said auxiliary teeth intervening adjacent ones of said coils.

Referring to claim 6, Fulton teaches the electric motor wherein said stator core (10) have a cylindrical shape to constitute a rotary motor (figure 4).

Referring to claim 7, Fulton teaches the electric motor wherein said stator core (10) have a straight shape to constitute a linear motor (lines 19 – 21, column4).

6. Claims 1, 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (U.S. Patent No. 5,801,463).

Referring to claim 1, Suzuki teaches an electric motor (figure 6) comprising: a stator core (4) having main teeth (9a – 9d) and auxiliary teeth (10a – 10d) each formed in a slot between adjacent ones of the main teeth, and coils (8a - 8b) respectively formed around said main teeth with said auxiliary teeth intervening adjacent ones of said coils.

Referring to claim 3, Suzuki teaches an electric motor wherein a torque and/or a cogging amount of the electric motor are adjusted by setting of lengths of said auxiliary teeth (see abstract, the cogging torque is reduced by length of the surface of auxiliary teeth).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fulton in view of Overton (U.S. Patent No. 5,501,634).

Referring to claim 2, Fulton teaches the claimed invention except for the added limitation of the auxiliary teeth has a shape to fill a gap between the adjacent ones of the coils.

Overton teaches a motor stator heat spike having a stator (30) with auxiliary teeth (36) wherein the auxiliary teeth has a shape to fill a gap between the adjacent of the coils (35) for allowing the winding heat to dissipate quicker.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shape of the auxiliary teeth as taught by Overton. Doing so would reduces the heat path length and improve the motor's load rating.

***Allowable Subject Matter***

9. Claims 4 – 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is an examiner's statement of reasons for allowance: the record of prior art does not show the electric motor having an allowing cogging amount when the maximum lengths

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of the auxiliary teeth is not greater than the length of the main teeth, or an minimum cogging amount when the lengths of the auxiliary teeth is not greater than the length of the main teeth.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leda T. Pham whose telephone number is (571) 272-2032. The examiner can normally be reached on M-F (8:30-6:00) first Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leda T. Pham  
Examiner  
Art Unit 2834

TRAN NGUYEN  
PRIMARY EXAMINER

LTP